

AMENDED IN SENATE JUNE 17, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1767

Introduced by Assembly Member Ma
(Coauthor: Senator Yee)

January 8, 2008

An act to ~~amend Section 1377~~ *add and repeal Section 1380* of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 1767, as amended, Ma. Civil compromise: vandalism.

Existing law establishes a procedure for the civil compromise of misdemeanor offenses, whereby a person injured by an act constituting a misdemeanor has a remedy through a civil action, and the criminal proceeding may be stayed by the court and the defendant discharged if the victim acknowledges receiving satisfactory compensation for the injury. ~~Civil compromise is not allowed in certain cases, including, among others, cases involving domestic violence, elder abuse, and child abuse.~~

~~This bill would add to those types of cases in which civil compromise is not allowed acts of vandalism by graffiti.~~

This bill would authorize the City and County of San Francisco to require a person who has committed an act of vandalism by graffiti to complete up to 96 hours of community service if the person engages in a civil compromise, as specified. The above provision would remain in operation until January 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1380 is added to the Penal Code, to read:*

2 1380. (a) *The City and County of San Francisco may require*
3 *a person who has committed an act of vandalism by graffiti, as*
4 *specified in paragraph (1) of subdivision (a) of Section 594, to*
5 *complete up to 96 hours of community service if the person engages*
6 *in a civil compromise, as provided in Section 1378.*

7 (b) *In order for the City and County of San Francisco to impose*
8 *subdivision (a) upon a person, the court shall determine that there*
9 *is community service available through the jurisdiction's*
10 *community service program.*

11 (c) *The program authorized by this section shall be a pilot*
12 *project for the purpose of determining the potential effectiveness*
13 *of the program.*

14 (d) *This section shall remain in effect only until January 1, 2012,*
15 *and as of that date is repealed, unless a later enacted statute, that*
16 *is enacted before January 1, 2012, deletes or extends that date.*

17 ~~SECTION 1. Section 1377 of the Penal Code is amended to~~
18 ~~read:~~

19 ~~1377. When the person injured by an act constituting a~~
20 ~~misdemeanor has a remedy by a civil action, the offense may be~~
21 ~~compromised, as provided in Section 1378, except when it is~~
22 ~~committed as follows:~~

23 ~~(a) By or upon an officer of justice, while in the execution of~~
24 ~~the duties of his or her office.~~

25 ~~(b) Riotously.~~

26 ~~(c) With an intent to commit a felony.~~

27 ~~(d) In violation of any court order as described in Section 273.6~~
28 ~~or 273.65.~~

29 ~~(e) By or upon any family or household member, or upon any~~
30 ~~person when the violation involves any person described in Section~~
31 ~~6211 of the Family Code or subdivision (b) of Section 13700 of~~
32 ~~this code.~~

33 ~~(f) Upon an elder, in violation of Section 368 of this code or~~
34 ~~Section 15656 of the Welfare and Institutions Code.~~

35 ~~(g) Upon a child, as described in Section 647.6 or 11165.6.~~

- 1 ~~(h) As an act of vandalism by graffiti, as specified in paragraph~~
- 2 ~~(1) of subdivision (a) of Section 594.~~

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